



PATENT
Attorney Docket No. 06478.1446-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Juergen Roemisch et al.) Group Art Unit: 1653
Application No.: 10/674,408) Examiner: Samuel W. Liu
Filed: October 1, 2003)
For: PROCESS FOR THE) Confirmation No.: 5124
PREPARATION IN PURE FORM OF)
THE PROTEASE ACTIVATING)
BLOOD CLOTTING FACTOR VII,)
ITS PROENZYME OR A MIXTURE)
OF BOTH PROTEINS BY MEANS)
OF CHROMATOGRAPHY)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, ZLB Behring GmbH, duly organized under the laws of Germany and having its principal place of business at P.O. Box 1230, Marburg D-35002, Germany, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/674,408, filed October 1, 2003, for: PROCESS FOR THE PREPARATION IN PURE FORM OF THE PROTEASE ACTIVATING BLOOD CLOTTING FACTOR VII, ITS PROENZYME OR A MIXTURE OF BOTH PROTEINS BY MEANS OF CHROMATOGRAPHY in the names of Juergen Roemisch, Annette Feussner, and Hans-Arnold Stoehr, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 015316, Frame 0633, on

09/08/2006 SDENB081 00000014 10674408

03 FC:1006
04 FC:1014

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November 1, 2004, and at Reel 010994, Frame 0495, on August 4, 2000. Assignee, ZLB Behring GmbH, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,528,299, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 015316, Frame 0633, on November 1, 2004, and at Reel 010814, Frame 0231, on May 16, 2000, and at Reel 009919, Frame 0374, on April 21, 1999.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of that prior patent. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

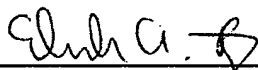
If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 7, 2006

By: 
Elizabeth A. Doherty
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